



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/741,908 | 12/22/2000 | Marc Steven Price | 1330.1095 | 6595 |

21171 7590 08/11/2005
 STAAS & HALSEY LLP
 SUITE 700
 1201 NEW YORK AVENUE, N.W.
 WASHINGTON, DC 20005

EXAMINER
 WOO, RICHARD SUKYOON

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 3639 | |

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/741,908

Applicant(s)

PRICE ET AL.

Examiner

Richard Woo

Art Unit

3639

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

A

DETAILED ACTION

Response to Arguments

- 1) Applicant's amendments filed on April 8, 2005 have been acknowledged and entered.
- 2) Applicant's amendment and argument, filed on April 8, 2005, with respect to a rejection under 35 U.S.C. section 101 have been fully considered and are persuasive. The rejection of Claims under 35 U.S.C. section 101 has been withdrawn.
- 3) Applicant's arguments with respect to rejection of claims under 35 U.S.C. section 102 have been considered but are moot in view of the new ground(s) of rejection. The new ground of rejection has been necessitated by the newly added limitations, event "for an exchange between first and second parties serviced by a third party" and "pricing servicing of the event by the third party".

Claim Rejections - 35 USC § 102

- 4) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 3639

5) Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Walker et al. (US 6,754,636).

As for Claim 1, Walker et al. discloses a method, comprising:

receiving an electronic entity event for an exchange transaction between first and second parties serviced by a third party (see Figs. 1B, 2A, 2B; col. 7, line 48 – col. 8, line 30; col. 14, lines 1-26); and

dynamically and automatically pricing servicing of the event by the third party responsive to an electronic entity event pricing plan (see Id.).

As for Claim 2, Walker et al. further discloses the method, wherein the event includes one of a transaction with a good/service exchanged as part of the transaction, multiple transactions with goods/services, a product query, an advertisement review, transferring to another site, an exchange subscription fee, or a customer characteristic (see Supra Figs. and columns).

As for Claim 3, Walker et al. further discloses the method, wherein the pricing is responsive to relationships among buyers and sellers comprising negotiated customer specific rates and discounts (see id.).

As for Claim 4, Walker et al. further discloses the method, wherein the dynamic pricing plan uses a decision network having rule based functions (see Figs. 1B, 2A, 2B; col. 7, line 48 – col. 8, line 30; col. 14, lines 1-26).

As for Claim 5, Walker et al. further discloses the method, wherein said functions

Art Unit: 3639

price the transaction across goods/services (see *Id.*).

As for Claim 6, Walker et al. further discloses the method, wherein the rules based functions include conditional decisions (see *Id.*).

As for Claim 7, Walker et al. further discloses the method, wherein the rules based functions include pricing calculation algorithms (see Figs. 1B, 2A, 2B; col. 7, line 48 – col. 8, line 30; col. 14, lines 1-26).

As for Claim 8, Walker et al. further discloses the method, wherein the algorithms include one of single unit, double unit, taper discount, tier, tier discount, percent, flat, charge, minimum, maximum, accumulation, threshold, multi-unit and taper charges (see *Id.*).

As for Claim 9, Walker et al. further discloses the method, wherein said electronic event has a transaction price and a good/service price (see *Supra* Figs. and columns).

As for Claim 10, Walker et al. further discloses the method, wherein said electronic event includes multiple transactions (see *Id.*).

As for Claim 11, Walker et al. further discloses the method, wherein the pricing includes detail and summary pricing (see Figs. 1B, 2A, 2B; col. 7, line 48 – col. 8, line 30; col. 14, lines 1-26).

As for Claim 12, Walker et al. discloses a method associated with an electronic exchange which produces an electronic exchange event, said method comprising:

Art Unit: 3639

receiving an electronic entity event for an exchange transaction between first and second parties serviced by a third party (see Figs. 1B, 2A, 2B; col. 7, line 48 – col. 8, line 30; col. 14, lines 1-26); and

dynamically and automatically pricing servicing of the event by the third party responsive to an electronic entity event pricing plan (see Id.).

As for Claim 13, Walker et al. discloses a method, comprising:

receiving an electronic exchange transaction request;

performing an electronic exchange function responsive to the exchange request (see Figs. 1B, 2A, 2B; col. 7, line 48 – col. 8, line 30; col. 14, lines 1-26); and

dynamically and automatically pricing servicing of the event by the third party responsive to an electronic entity event pricing plan (see Id.).

As for Claim 14, Walker et al. discloses a method, comprising:

receiving electric exchange events; and

dynamically and automatically pricing servicing of the electronic exchange events responsive to an electronic exchange event pricing plan having transaction pricing, cross product pricing, summary pricing and non-transaction pricing (see Figs. 1B, 2A, 2B; col. 7, line 48 – col. 8, line 30; col. 14, lines 1-26).

As for Claim 15, Walker et al. discloses a method, comprising:

receiving electronic exchange transaction requests;

performing electronic exchange functions responsive to the electronic exchange request and where the function includes transactions exchanging a goods/services having a goods/services prices; and

dynamically and automatically pricing servicing of the electronic exchange transactions with detail and summary pricing using an electronic exchange event pricing plan responsive to relationships among buyers and sellers and including negotiated customer specific rates and where the dynamic pricing plan uses a decision network having rule based functions pricing the transactions, pricing across the transactions, pricing across the goods/services, pricing with charge limitations and pricing non-transactions using conditional pricing decisions and pricing calculation algorithms including single unit, double unit, taper discount, tier, tier discount, percent, flat, charge, minimum, maximum, accumulation, threshold, multi-unit and taper charges (see Figs. 1B, 2A, 2B; col. 7, line 48 – col. 8, line 30; col. 14, lines 1-26).

As for Claim 16, Walker et al. discloses a system, comprising:
an electronic exchange handling an electronic exchange event; and
a pricing mechanism dynamically pricing servicing of the electronic exchange event responsive to an electronic exchange event pricing plan (see Figs. 1B, 2A, 2B; col. 7, line 48 – col. 8, line 30; col. 14, lines 1-26).

As for Claim 17, Walker et al. further discloses the system, wherein said pricing

Art Unit: 3639

mechanism includes a code-based pricer and non-code based rules used by the pricer to price the event (see *Id.*).

As for Claim 18, Walker et al. discloses a computer readable storage controlling a computer by dynamically and automatically pricing servicing of the electronic exchange event responsive to an electronic exchange event pricing plan (see Figs. 1B, 2A, 2B; col. 7, line 48 – col. 8, line 30; col. 14, lines 1-26).

As for Claim 19, Walker et al. discloses a method comprising:

receiving an electronic entity event for an exchange transaction (see Figs. 1B, 2A, 2B; col. 7, line 48 – col. 8, line 30; col. 14, lines 1-26); and

dynamically and automatically pricing servicing of the event responsive to an electronic entity event pricing plan (see *Id.*).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

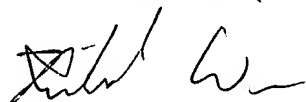
Art Unit: 3639

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

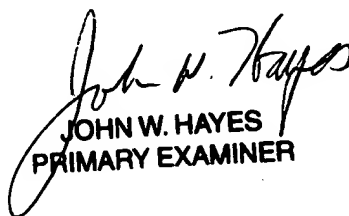
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Woo whose telephone number is 571-272-6813. The examiner can normally be reached on Monday-Friday from 8:30 AM -5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Richard Woo
Patent Examiner
Art Unit 3639
August 2, 2005



JOHN W. HAYES
PRIMARY EXAMINER